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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takuya Sakamoto

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

O'STEEN, DAVID R

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,971	Applicant(s) SAKAMOTO ET AL.	
	Examiner David R. O'Steen	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-8-2003</u> , {014/01 | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Claim Rejections - 35 USC § 101

Claims 15-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claims 15-22 define "a program stored on a storage medium" embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"). The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Humpleman (WO 99/57837).

As regards Claims 1 and 15, Humpleman discloses a program stored on a storage medium for use in an information processing device connected to a local area network, for enabling devices connected to said local area network to operate cooperatively and an information processing device (such as a server device, 3.14) for enabling devices connected to a local area network to operate cooperatively (for example by providing or displaying/handling an MPEG stream, page 7, lines 3-4), said information processing device comprising a control unit, a memory (for the processing device to store and run the service control program, fig. 2.20 and page 7, lines 8-11, it is inherent that the device contain memory and a control unit), and a transceiver unit connected to said local area network (such as communicating through a 1394 serial bus, page 6, lines 12-14), said control unit generating, in accordance with selection of one or more of said devices by a user, data representative of one or more cooperative operations executable by using said selected one or more devices (page 6, lines 21-32), said control unit providing to said one or more selected devices, via said local area network, a necessary command to execute one of said one or more executable cooperative operations that is selected by said user (page 10, 21-25).

As regards Claims 2 and 16, Humpleman discloses that said control unit stores a record of said executed cooperative operation in said memory (page 8, lines 27-31).

As regards Claim 3, Humpleman discloses that the control unit produces data representative of a cooperative operation executed in the past and recorded in said memory, independently of said selected one or more devices (such as when the session manager keeps track of which devices have been used, page 14, lines 8-14).

As regards Claims 4 and 17, Humpleman discloses that the devices configured to said local area network are changed, said control unit anew generates data representative of one or more cooperative operations executable by using said selected one or more devices in accordance with the devices currently connected to said local area network (Humpleman provides a software session manager, fig. 9.36, that queries available services from servers and makes said services available to the user, pages 12 and 13, and lines 16-32 and 1-29. Humpleman also allows dynamic reconfiguration of the network if network connections go down, page 33, lines 3-13).

As regards Claim 7, Humpleman discloses that said control unit determines said one or more executable cooperative operations by looking up a table including cooperative operations and associated devices (fig. 10, pages 14 and 15, lines 26-32 and 1-6).

Claims 9-14, and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ludtke (WO 99/59072).

As regards Claims 9 and 18, Ludtke discloses an information processing device and a program stored on a storage medium for use in an information processing device comprising a control unit, a memory (page 5, lines 11-13), an a transceiver unit

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connected to said local area network (fig. 1, page 4, lines 20-28), said control unit generating data representative of one or more cooperative operations executed in the past and recorded in said memory (pages 3 and 4, lines 29-32 and 1-10), said control unit providing a necessary command to execute one of said one or more cooperative operations that is selected by a user, to one or more devices associated with said selected cooperative operation via said local area network (page 4, lines 10-19).

As regards Claims 10 and 19, Ludtke discloses that the control unit determines a device required to be connected to said local area network in order to execute again said cooperative operation executed in the past, by comparing devices associated with said selected cooperative operation with the devices currently connected to said local area network (such as by checking if the usual devices used to jointly perform the operation are available, and, if they are not, then configuring other available devices to perform the same operation in substitution for the normal devices, pages 2 and 3, lines 30-32 and 1-9).

As regards Claim 11 and 20, Ludtke discloses that the that when a device necessary for said selected cooperative operation is not connected to said local area network, said control unit generates data representative of said necessary device (when the session manager is trying to perform a requested task, the media manager represents devices to the user, even if they are not presently available, pages 2 and 3, lines 29-32 and 1-9).

As regards Claim 12 and 21, Ludtke discloses that when a necessary device for said selected cooperative operation is not connected to said local area network, said

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control unit generates data representative of another device which is connected to said local area network and substitutable for said necessary device (when a preferred device is unavailable to perform the request, the media manager arranges other devices or sub-devices to substitute for the unavailable device and perform the requested task, pages 2 and 3, lines 29-32 and 1-9).

As regards Claim 13, Ludtke further discloses that when a device necessary for said selected cooperative operation is not connected to said local area network, said control executes said cooperative operation in response to subsequent connection of said necessary device to said local area network (the IEEE 1394 bus is designed to be able to automatically reconfigure itself when a new device is added, page 2, lines 4-7. The media manager can then direct it to perform a required task, page 2, lines 23-32).

As regards Claims 14 and 22, Ludtke discloses an information processing device and a program stored on a storage medium for use in an information processing device, comprising a control unit, a memory (page 5, lines 11-13), and a transceiver unit connected to said local area network (fig. 1, page 4, lines 20-28), said control unit generating data representative of one or more cooperative operations (pages 3 and 4, lines 29-32 and 1-10), when a device necessary for executing one of said one or more cooperative operations that is selected by a user is not connected to said local area network, said control unit producing data representative of another device which is connected to said local area network and substitutable for said necessary device (page. 3, lines 2-9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (WO 99/57837) in view of Ludtke (WO 99/59072).

As regards Claim 5, Humpleman discloses the processing device of claim 1 but fails to disclose that when a device necessary for said selected cooperative operation is not connected to said local area network, said control unit produces data representative of said necessary device. Ludtke discloses that when a device necessary for said selected cooperative operation is not connected to said local area network, said control unit produces data representative of said necessary device (pages 2 and 3, lines 30-32 and 1-9).

At the time of the invention it would have been obvious to one skilled in the art combine the reconfiguration of Ludtke, an analogous art, to the processing device of Humpleman, to remove the obstacle of reconfiguration and replacement for the user.

As regards Claim 6, Ludtke further discloses that when a device necessary for said selected cooperative operation is not connected to said local area network, said control unit executes said cooperative operation in response to subsequent connection of said necessary device to said local area network (pages 2 and 3, lines 30-32 and 1-9).

As regards Claim 8, Ludtke further discloses that said control unit determines a device required to be connected to said local area network in order to execute said selected cooperative operation was used in the past, by comparing devices associated with said selected cooperative operation used in the past with the devices currently connected to said local area network (such as by checking if the usual devices used to jointly perform the operation are available, and, if they are not, then configuring other available devices to perform the same operation in substitution for the normal devices, pages 2 and 3, lines 30-32 and 1-9).

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800